

Chapter 2: RULE CONCERNING THE PROCESSING OF APPLICATIONS AND OTHER ADMINISTRATIVE MATTERS

SUMMARY: This rule governs various administrative activities of the Department of Environmental Protection. Included within this rule are sections which apply to the processing of applications, appeals of Commissioner license decisions to the Board of Environmental Protection, petitions to modify, revoke or suspend a license, and license surrenders. The rule also addresses advisory opinions, inspections and public access to information.

1. **Definitions.** The following terms, as used in this Chapter, have the following meanings unless the context indicates otherwise:
 - A. **Abutter.** "Abutter" for the purposes of the notice provisions of this rule, means a person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.
 - B. **Aggrieved Person.** "Aggrieved Person" means any person whom the Board determines may suffer particularized injury as a result of a licensing or other decision. The Board will interpret and apply the term "aggrieved person," whenever it appears in statute or rule, consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action.
 - C. **Amendment Application.** "Amendment Application" means an application to modify a license previously granted by the Department, except for minor revisions.
 - D. **Board.** "Board" means the Board of Environmental Protection, an independent citizen board that is part of the Department and that, among its duties, decides selected applications and considers appeals of Commissioner license decisions.
 - E. **Chair.** "Chair" means the chair of the Board of Environmental Protection, or his or her designee.
 - F. **Commissioner.** "Commissioner" means the Commissioner of the Department of Environmental Protection, or his or her designee.
 - G. **Department.** "Department" means the Department of Environmental Protection, which includes the Commissioner and the Board.
 - H. **Department Staff.** "Department Staff" means all staff, except staff to the Board.
 - I. **Hearing.** "Hearing" means a hearing conducted in accordance with the procedural requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 4.

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